

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 20, 2015 – 7:00 PM**

The Brevard City Council met in regular session on Monday, April 20, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Pro-Tem Mac Morrow presiding.

Present - Mayor Pro Tem Mac Morrow, Council Members Maurice Jones, Ann Hollingsworth, Wes Dickson and Charlie Landreth.

Staff Present – Interim City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, HR Specialist/Deputy Clerk Jill Murray, Planning Director Josh Freeman, Assistant Planning Director Daniel Cobb, Police Chief Phil Harris, Director of Utilities and City Engineer Jay Johnston, P.E., Human Resource Director Derrick Swing, Parks & Property Management Director Lynn Goldsmith, Public Works Director David Lutz and Assistant Fire Chief Bradley Elmore.

Press - Derek McKissock, Transylvania Times

A. Welcome and Call to Order – Mayor Pro-Tem Morrow called the meeting to order, welcomed those present and introduced Council members, Interim Manager, Attorney and Clerk.

B. Invocation – Pastor Richard Jelly, Brevard Wesleyan Church, offered an Invocation.

C. Pledge of Allegiance – Mayor Pro-Tem Morrow led in the Pledge of Allegiance.

D. Certification of Quorum - The City Clerk certified a quorum present.

E. Approval of Agenda – Mr. Landreth moved, seconded by Ms. Hollingsworth, the Agenda, as amended to include the two Oaths of Office, be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Mr. Landreth moved, seconded by Mr. Jones, the December 15, 2014, January 8, March 2 and March 16, 2015, meeting Minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

G-1. Administration of the Oath of Office to Interim City Manager James R. Fatland - Mr. Fatland, with his wife Linda in the audience, was administered the Oath of Office by City Clerk Desiree Perry.

State of North Carolina
County of Transylvania
City of Brevard

I, James R. Fatland, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of the United States, to the best of my knowledge and ability and that I will faithfully and impartially discharge the duties of the Interim City Manager and Finance Director for the City of Brevard imposed upon me by law, so help me God.

s/ James R. Fatland

Oath Administered By:
Desiree D. Perry, City Clerk

G-2. Administration of the Oath of Office to Human Resource Director
Derrick W. Swing – Mr. Swing was administered the Oath of Office by City Clerk Desiree Perry.

State of North Carolina
 County of Transylvania
 City of Brevard

I, **Derrick W. Swing**, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of the United States, to the best of my knowledge and ability and that I will faithfully and impartially discharge the duties of the Human Resources Director for the City of Brevard imposed upon me by law, so help me God.

s/ Derrick W. Swing

Oath Administered By:
 Desiree D. Perry, City Clerk

G-3. Arbor Day 2015 Proclamation and Tree City Award – This is the thirty-sixth year Brevard has received the Tree City Award. The ceremonial tree planting is scheduled for Wednesday, April 22nd at 10:30 AM at the City's Sports Complex.

**Proclamation
 Arbor Day
 Brevard, North Carolina**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, I Mayor Pro-Tem Mac Morrow and the Brevard City Council, do hereby proclaim **April 23, 2015 as Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the wellbeing of our present and future.

Signed this 20st day of April, 2015.

H. Public Hearing(s)

H-1. Voluntary Contiguous Annexation of Bryson and Hughes Property located at 72 Pisgah Highway, Pisgah Forest (PIN 8597-46-3120 and 8597-45-4982). This public hearing was properly noticed and advertised on Monday, April 6, 2015. On Monday, April 13, 2015, the property owner's Agent, Paul Wilander, notified the City in writing that the current property owner, Mr. Salman, requests to withdraw the Annexation Petition. Council accepted the request to withdraw and no further action was needed.

H-2. Proposed UDO Text Amendment – Chapter 3 Additional Use Standards, Accessory Structures and Mobile Food Vendor Standards. This public hearing was properly noticed and advertised on Monday, April 6th and 13th, 2015.

Mayor Pro Tem Morrow opened the public hearing at 7:13 P.M.

Mr. Cobb explained the two proposed amendments would not be a change in policy. They are needed to clarify and fix inconsistencies in language and references staff has found within Chapter 3.

Public Hearing Public Participation - None

Public Hearing Closed – There being no questions or comments, Mayor Pro Tem Morrow closed the hearing at 7:14 P.M.

H-3. Establish Asheville Highway Corridor Signage Overlay District and Amendment to the Official Zoning Map. This public hearing was properly noticed and advertised on Monday, April 6th and 13th, 2015.

Mayor Pro Tem Morrow opened the public hearing at 7:13 P.M.

Mr. Freeman offered information from the staff report (on file) and projected the proposed corridor for Council and the audience to view. He explained the proposal was initiated by a request from Blue Ridge Community College who sought to amend the institutional district signage requirements in order to allow them to have a larger ground sign. Planning Board recommends, rather than increase the allowable size of signs within the institutional district which would allow larger signage of other institutional uses, many of which are within or adjacent to residential neighborhoods, (Brevard Elementary, Brevard Middle, Brevard High as examples) to recommend an overlay district be created along the Asheville Highway. The corridor would allow for all districts, with the exception of the few residential zoned properties within the corridor, to all be allowed the same size ground signs of 85 square feet per side of sign.

Mr. Jones shared he was in attendance at the Planning Board and that there were lots of questions and adequate feedback was received as the Board considered this matter.

Mr. Dickson asked if a similar corridor could be applied to other districts, such as along the Rosman Highway, and, why the Brevard College property was not included within the proposed corridor signage overlay district.

Mr. Freeman replied, "Yes, a similar corridor could be considered; however, not tonight as it has not be advertised for consideration." The Brevard College campus signage is a part of the College's Master Plan which dictates signage upon the campus property; corridor would have not impact or benefit.

Public Hearing Public Participation

Reverend Mary Shore, Lutheran Church of Good Shepherd, explained their Church is within the proposed overlay district, and while they may not desire to have the maximum size sign that would be allowed if in the overlay district (85 sq. ft.), they would like to have their property considered to be included in the overlay district in order to have a sign larger than they currently have.

Ms. Janice Philpot expressed concerns with the proposal as larger signs in the community can be an eyesore and questioned the need to allow all businesses and uses in the corridor to have such a large sign.

Discussion included that to consider amending the scope of the proposed overlay district boundaries, it would first require going to the Planning Board for their recommendation.

Public Hearing Closed – There being no further questions or comments, Mayor Pro Tem Morrow closed the hearing at 7:20 P.M.

I. Public Participation

Ms. Eleanor Ashton, Pisgah Legal Services, described services they provide to residents of both the City and County, and that they would like to open an office in Brevard in order to be of greater service, and requested Council consideration to allocate them funding. A copy of the handout presented to Council is on file.

Mr. Jim Hardy, Chair of Charge Transylvania County, was accompanied by several other people in the audience who came in support of this request. He provided Council with an informational handout, "Plug-In Electric Vehicle Handbook for Public Charging Station Hosts", and asked Councils consideration to take action by scheduling to allow some experts on the subject to come to Council's next meeting scheduled for May 18th to make a presentation on the subject. They believe it is important for Brevard to have some charging stations as are found in neighboring communities, and, presently there are some opportunities to do so at little or no cost to the City.

J. Special Presentation(s)

J-1. Brevard College Art Presentation – Ms. Goldsmith shared several years ago the City started a partnership with the College where student art work is loaned and placed in City Hall Council Chambers for display. She introduced Brevard College Professor Bill Byers, who was accompanied by three art students whose work is in the collection. He thanked the City for the partnership and for giving the students the opportunity to have their art work displayed for the public to enjoy.

Council thanked Mr. Byers and the students for coming and for the loan of the artwork.

J-2. Joint Historical Preservation Commission – Ms. Rosie Craig, Chair of the Joint Historic Preservation Commission, presented a copy of Transylvania County's 1998 architectural survey book titled, Transylvania: The Architectural History of a Mountain Community, to each Council member. She reported the JHPC is an advisory board to local elected officials who identify, review and recommend properties or landmarks in the City and County for historical preservation designation. In the near future the Commission will be coming before Council to recommend another structure for landmark designation.

Council thanked Ms. Craig for coming and for their gift of the book.

J-3. Land of Sky Aging and Volunteer Services Program – Mr. John Connell, Senior Community Service Employment Program Coordinator, shared April is Volunteer Recognition with National Volunteer Week being April 12-18th, and this year marks the 40th anniversary recognizing our Countries volunteers. May is "Older American Month" which is an opportunity to raise awareness and wellbeing of older adults. He provided Council with handouts describing the Volunteer programs and services available through Land of Sky.

J-4. Terrell Scruggs Scholarship Committee Report – Committee member Jimmy Perkins reported the scholarship fund was established in 2012 by the City to honor its previous Finance Director, Terry Scruggs, who passed away in 2011. The scholarship fund assists Brevard and Transylvania County seniors with college expenses. The scholarship aware is based on character, academic achievements, extracurricular participation, volunteer work, commitment, community involvement and personal references. To date \$8,500 in scholarships has been awarded, and the Committee intends to award another \$6,000 this year.

J-5. United Way Tiny House Initiative – Mr. Don Rogers, United Way, reported on the "Tiny House Initiative" that in some respects started back in 2007 the with the Transylvania County Workforce Housing Coalition. Described a good way to address workforce housing needs is to have infill housing, such as garage apartments, mother-in-law units, finished basements and Tiny Houses. He provided a power-point

presentation of the slides included in the Agenda packet, pages 106-122. He asked for Council's endorsement by means of a Resolution.

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Pro Tem Morrow read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda.

Mr. Landreth moved, seconded by Ms. Hollingsworth, the Consent Agenda be amended by adding New Business Items M-2 Advance Meter Infrastructure Contract Award, M-3 Formation of City Council Committees, M-5 Parking Lot Lease, M-6 United Way Tiny House, M-7 UDO Text Amendment Ordinance, and M-8 Establishment of Corridor Signage Overlay Ordinance, and the Consent Agenda be approved as amended. Motion carried unanimously. The following thirteen items were approved as accepted as information:

- K-1. Finance Department Monthly Report**
- K-2. Public Works Department Monthly Report**
- K-3. Parks and Property Management Department Quarterly Report**
- K-4. City Clerk's Office Quarterly Report**

K-5. Resolution No. 2015-07 Revision and Update of the City's Signatory and Disbursement Resolution Approving Employees to Sign Checks and Disburse Funds

RESOLUTION NO. 2015-07

**REVISION AND UPDATE OF THE CITY'S SIGNATORY AND DISBURSEMENT
RESOLUTION APPROVING EMPLOYEES TO SIGN CHECKS AND DISBURSE FUNDS
(Revision to Resolution No. 2012-02)**

WHEREAS, the most recent revision and update of the City's Signatory and Disbursement Resolution was enacted by the Brevard City Council on January 23, 2012, with the adoption of Resolution No. 2012-02; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to once again revise and update the authorizations of said resolution by designating specific City officials for the purpose of signing checks and disbursement of City funds;

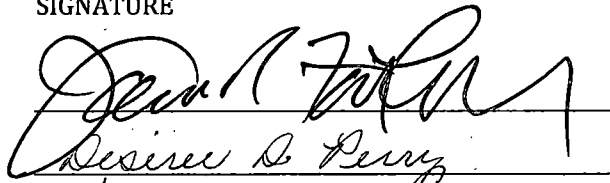
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA:

Section 1. Resolution No. 2012-02 is hereby amended by rewriting same as set forth herein. The following named persons, whose signatures are shown, are approved for the signing of checks and the disbursement of monies from all funds of the City:

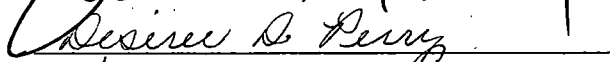
NAME

SIGNATURE

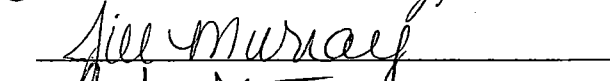
James R. Fatland, Interim City Manager
and Finance Director



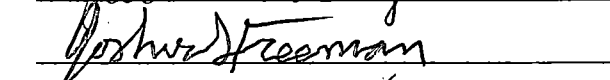
Desiree D. Perry, City Clerk



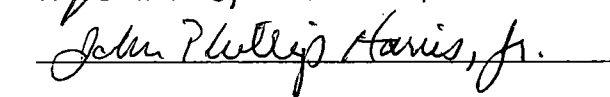
Jill Murray, HR Specialist/Deputy City Clerk



Joshua S. Freeman, Planning Director



John Phillip Harris, Jr., Police Chief



Section 2. All checks for disbursement of City funds shall bear the signature of either the City Manager or the Finance Director plus one additional signature.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 20th day of April, 2015.

K-6. Amended the 2015 Council Meeting Scheduled by cancelling the May 4, 2015, Work Session.

K-7. Correspondence – Accepted by Council as information only:

- (a) Main Street Solutions Grant Award letter.
- (b) Kids Get Outside Event scheduled for April 25th flyer.
- (c) Brevard Music Center Grant Request for *BMC Presents*

K-8. (M-2) Resolution No. 2015-09 Awarding the Construction Work for the City of Brevard Water Meter Replacement Project –AMR

RESOLUTION NO. 2015-09

A RESOLUTION AWARDING THE CONSTRUCTION WORK FOR THE CITY OF BREVARD WATER METER REPLACEMENT PROJECT - AMR

WHEREAS, The City of Brevard has previously approved the Water Meter Replacement Project - AMR, herein after; "The Project"; and

WHEREAS, The Project has received approval and permits from the NCDENR – DWI state regulating agency; and

WHEREAS, The City of Brevard has secured funding for The Project through a secured loan from NCDENR - DWI in the amount of \$1,360,500 towards The Project; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

WHEREAS, The City of Brevard has placed The Project to public bid under state requirements, and has received bids that for The Project; and

WHEREAS, The City of Brevard, upon recommendation of the City's Consulting Engineers, Brown Consultants, PA, desires to accept the low bid, award and implement The Project; and

WHEREAS, in accordance with NC statues 143-129.8 and 143-135.9, the City of Brevard received formal proposals for the Water Meter Replacement Project - AMR 2:00 P.M. on Wednesday, February 4, 2015, at Brevard City Hall; and,

WHEREAS, after receiving the Bid Tabulation from this bid opening for the proposed project, the Brevard City Council now desires to approve an award of contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

1. A contract for the Water Meter Replacement Project - AMR (NCDENR – DWI Project No. WIF-1787) is hereby awarded to Ferguson Waterworks-Meter & Automation Group, NC License #74102; 9129 N. Tyndall Ave, Portland OR, 97217, for the bid price of \$1,286,520.79 as received at 2:00 P.M., on Wednesday, February 4, 2015, in accordance with the City's bid documents for this Project.
2. The City Manager upon award approval from the NCDENR DWI, is authorized and directed to sign a contract with Ferguson Waterworks-Meter & Automation Group.
3. The City Manager is authorized and directed to take all necessary actions required by the NCDENR DWI to complete The Project, including all close out documents.
4. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.
5. The City Manager shall advise the Board periodically on the status of completion of The Project.
6. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 20th day of April, 2015.

K-9. (M-3) Formation of City Council Committees. Council approved Mr. Fatland's recommendation to form five advisory committees to facilitate discussion on proposed projects and programs. The committees will be formed and will consist of two elected officials who will work with the appointed staff members; consultants may also be invited to participate in discussions at the committee level. The Mayor will

serve as ex officio on all five of the committees. After deliberation on a matter, the advisory committee will make their recommendation to Council. Council appointed the following Council members to serve on the Committees:

Public Works and Utilities Committee - Mac Morrow and Maurice Jones
 Public Safety (Police and Fire) Committee - Maurice Jones and Mac Morrow
 Parks Trails and Recreation - Wes Dickson and Ann Hollingsworth
 Finance and Human Resources - Charlie Landreth and Wes Dickson
 Downtown Master Plan - Ann Hollingsworth and Charlie Landreth

K-10. (M-5) Resolution No. 2015-10 A Resolution Approving a Lease Agreement Between CDP ALOE Properties LLC and the City of Brevard for the Use of Property Located on West Main Street as a Municipal Parking Lot. (Former First Union Bank property.)

RESOLUTION NO. 2015-10

**A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN
 CDP ALOE PROPERTIES LLC AND THE
 CITY OF BREVARD FOR THE USE OF PROPERTY
 LOCATED ON WEST MAIN STREET AS A MUNICIPAL PARKING LOT**

WHEREAS, the City of Brevard has expressed an interest in the lease of property located on 73 West Main Street for use as a municipal parking lot, said property being owned by CDP Aloe Properties LLC; and,

WHEREAS, the City and CDP Aloe Properties LLC have entered into negotiation for a Lease Agreement for the subject property and have progressed with negotiations satisfactorily to seek approval of said Lease Agreement; and,

WHEREAS, The Lease Agreement has been reduced to written form for the final consideration and execution of both parties, and it is now the desire of the Brevard City Council to approve this Lease Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA:

Section 1. The Lease Agreement between CDP Aloe Properties LLC and the City of Brevard setting forth terms and conditions for the City's lease of property owned by CDP Aloe Properties LLC and located on 73 West Main Street for the purpose of developing a municipal parking lot for public use is hereby approved.

Section 2. The City Manager and City Clerk are hereby authorized and directed to execute the Lease Agreement described in Section 1 of this Resolution.

Section 3. The City Manager is hereby authorized and directed to take the necessary measures to implement the terms and conditions of said Lease Agreement.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 20th day of April, 2015.

K-11. (M-6) Resolution No. 2015-11 A Resolution Endorsing the United Way of Transylvania County Tiny House Initiative

RESOLUTION NO. 2015-11

**A RESOLUTION ENDORSING THE
 UNITED WAY OF TRANSYLVANIA COUNTY
 TINY HOUSE INITIATIVE**

WHEREAS, Brevard City Council supports the creation of taxable real property within the corporate limits of the City of Brevard; and,

WHEREAS, expanding the City's supply of affordable residential rental units is an important goal of the City of Brevard as described in the Consolidated Housing Plan of the Asheville Regional Housing Consortium, of which the City of Brevard is an active, founding member; and,

WHEREAS, the United Way of Transylvania County has embarked upon an initiative to promote the construction of small houses, known as "Tiny Houses, as a strategy for expanding the supply of affordable residential rental units within Brevard and Transylvania County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. The City of Brevard hereby endorses and encourages the United Way of Transylvania County's Tiny House Initiative.

Resolved this the 20th day of April, 2015.

K-12. (M-7) Ordinance No. 2015-08 An Ordinance Amending the City of Brevard Unified Development Ordinance Chapter 3 to Clarify Language and References (Accessory Structures and Mobile Food Vendor Standards)

ORDINANCE NO. 2015-08

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE CHAPTER 3
TO CLARIFY LANGUAGE AND REFERENCES**

WHEREAS, over the course of day-to-day operations within the Planning Department minor errors and inconsistencies are noted within the Unified Development Ordinance; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 3 amended to correct confusing language and incorrect references; and,

WHEREAS, a public hearing was conducted on April 20, 2015 by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance, Chapter 3 be amended to make the corrections and additions as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Amendments to Brevard City Code, Unified Development Ordinance, Chapter 3. Additional Use Standards, Subsection 3.12.D Accessory Structures, Requirements as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 3. Additional Use Standards, Subsection 3.23.E.10.c Temporary Uses Permitted with Standards, Temporary Vendors, Mobile Food Vendors as depicted in Exhibit B, which is attached hereto and incorporated herein by reference.

SECTION 03. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 04. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 05. The enactment of this Ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 06. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 20th day of April, 2015.

K-13. (M-8) Ordinance No. 2015-09 An Ordinance Amending the City of Brevard Unified Development Ordinance Chapters 2 and 12 and the Official Zoning Map to Establish the Asheville Highway Corridor Sign Overlay District.

ORDINANCE NO. 2015-09

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE CHAPTERS 2 AND 12
AND THE OFFICIAL ZONING MAP
TO ESTABLISH THE
ASHEVILLE HIGHWAY CORRIDOR SIGN OVERLAY DISTRICT**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2 and 12, be amended to establish the Asheville Highway Corridor Sign Overlay District; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that the Official Zoning Map of the City of Brevard, be amended to establish the Asheville Highway Corridor Sign Overlay District; and,

WHEREAS, Brevard City Council finds that these proposed amendments are neither consistent nor inconsistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, April 20, 2015, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance, and the Official Zoning Map of the City of Brevard, be amended as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 2, Section 2.1.D.2 is hereby established and shall read as follows:

Asheville Highway Sign Overlay District. The purpose of the AHSOD is to provide standard signage requirements for the commercial corridor along Asheville Highway.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.9.B.1.v is hereby renumbered as 12.9.B.1.vi

SECTION 03. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.9.B.1.v is hereby established and shall read as follows:

Asheville Highway Sign Overlay District: 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign;

SECTION 04. The Official Zoning Map of the City of Brevard is hereby amended to establish the Asheville Highway Corridor Sign Overlay District as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 05. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 06. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 07. The enactment of this Ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 08. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 20th day of April, 2015.

L. Unfinished Business - None

M. New Business

M-1. Resolution No. 2015-08 A Resolution Naming the Building Located at 400 Cashiers Valley Road in Honor of Cornelius Hunt, Former Mayor Pro-Tem and Member of the City Council of the City of Brevard, North Carolina

Mayor Pro Tem Morrow recognized Mr. Hunt's daughter, Mrs. Margaret Robinson, who was in the audience and who was accompanied by some family members and friends. He explained Mayor Harris is home sick tonight; however, he sent the following message to be read aloud in his absence:

"Cornelius Hunt was a friend and leader in the City of Brevard. His leadership style was one that many should try to duplicate, including myself. He was trusted, revered, respected and to know him was rewarding. The residents of Brevard never had a closer friend at City Hall than Cornelius Hunt. I not only had the privilege of knowing him as a leader in this community, but enjoyed a business relationship with him too. He was always pleasant and welcoming, truly a gentleman. It is fitting and proper that the City of Brevard name its new Public Works facility in his honor."

Mayor Pro Tem Morrow added tonight we are doing something special. We are honoring a man some of us knew quite well. His legacy need not just be a building in his name but for me it is a symbol of public service. Let no one wonder who he was. When asked, I hope the answer is, "Let me tell you a story" and in their own words describe not only his physical presence – as that he had – but to describe how he understood, lived and carried out daily the meaning of public responsibility. We all stand on his shoulders and I hope he is proud of what he sees here today.

Mayor Pro Tem Morrow shared with those in the audience that in the near future a dedication ceremony for the naming of the building in Mr. Hunts honor and memory will be scheduled, and all are invited to attend.

Mayor Pro Tem Morrow invited Mrs. Robinson, accompanied by her son, to come forward. He read aloud the Resolution and he then presented it to her.

RESOLUTION NO. 2015-08

**A RESOLUTION NAMING THE BUILDING LOCATED AT
400 CASHIERS VALLEY ROAD
IN HONOR OF CORNELIUS HUNT, FORMER MAYOR PRO-TEM AND
MEMBER OF THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA**

WHEREAS, Cornelius Hunt was the first black elected official to the Brevard City Council in November, 1973, a position in which he served as a member of the City Council and as Mayor Pro-Tem until his death in office on June 17, 1990; and,

WHEREAS, Cornelius Hunt served as a member of the Land-of-Sky Regional Council Executive Committee; member of Committee on Aging; member of the North Carolina Black Elected Municipal Officials; and member of North Carolina Department of Public Instruction's Commission on Special Needs for Children; and

WHEREAS, Cornelius Hunt distinguished himself as one fighting for the rights of African Americans. He helped found the Transylvania County Improvement Organization (TCIO) and served as its first President. The Organization played a key role in the integration of public schools in Transylvania County; and

WHEREAS, Cornelius Hunt was an active member of the community and volunteer of several organizations including Scout Master and member of the Transylvania County Boy Scouts of America Committee; United Way of Transylvania County; Schenck Job Corps Community Relations Council; Transylvania County Historic Preservation Commission; Transylvania Arts Council Board of Directors; Director of the Mary C. Jenkins Community Center; and President of the Transylvania County Habitat for Humanity; and

WHEREAS, Cornelius Hunt was indeed a man of family, community, government and faith. He was an honored member of the Rosenwald Community and known for major accomplishments and contributions in shaping educational and civic opportunities for all citizens. He was a life-long member of Bethel A Baptist Church where he served as a Deacon and was the Sunday School Superintendent for

thirty five years. He was the father of three sons and two daughters. His memory and legacy is a testament to the honor and character of mankind.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brevard, North Carolina, does hereby honor the Life and Memory of former Mayor Pro-Tem Cornelius Hunt for his many years of service to the City of Brevard local government and his innumerable contributions to family, church, and community by naming the City of Brevard Public Works Operations Center located at 400 Cashiers Valley Road to be known as the "Cornelius Hunt" building.

Adopted and approved this the 20th day of April, 2015.

M-4. Review Wastewater Treatment Plant (WWTP) Rehabilitation Options

Mr. Fatland offered from his staff report that Council discussed the proposed WWTP Rehabilitation Project at their January retreat and continued discussion at their March 30th Work Session. January 2015 NCDENR approved a loan amount of \$8,950,000 at 0% interest. To stay on track an Engineering Report is due by May 2, 2015. On April 8, 2015 City Staff requested a 120-day extension to explore options on renovation work at the WWTP; on April 10th NCDENR approved the City's request for the time extension.

Mr. Fatland recommended (1) Council refer further discussion of the WWTP Renovation Project to the newly formed Public Works and Utilities Committee; and, (2) to approve the engineering proposal with Brown Consultants subject to the Public Works and Utilities Committee approval of the project scope.

Mr. Landreth asked that by approving the item on the Agenda, Council is not authorizing a contract with Brown Consultants, but rather approving ability for the Committee to proceed with the review, correct?

Mr. Fatland responded Council has options, such as (a) do nothing; (b) consider maintenance of the plant to make it run more efficient, (c) could consider RBC's or something like that. The key is to have opportunity to fully discuss at the committee level with Council representatives, staff and engineers the issue and options.

Mr. Landreth moved, seconded by Ms. Hollingsworth, Council approve the review of the WWTP Rehabilitation Project options by the Public Works and Utility Committee. Motion carried unanimously.

N. Remarks By Officials / Future Agenda Considerations

Mr. Jones reminded Council members that it was agreed for Brevard to be the host site for the upcoming Black Elected Officials Annual Meeting and that he will soon be getting and forwarding additional information to Council.

Mr. Landreth shared with Mr. Fatland and Council in light of forming the Committees, review of the process of how work gets from Council to the Committees and back, and how to get items upon the Agenda needs to be spelled out. Council's current protocol of how items get upon the Agenda (Rules of Procedure) may or may not need to be amended.

Mr. Landreth expressed his appreciation for receiving the graph that shows the sales tax revenue in January 2015 was higher than last July's sales tax, and, he requested a report at their next meeting on the sales tax legislation from the General Assembly and guidance on what would be most advantageous.

Mayor Pro Tem Morrow shared an important event is taking place this Saturday at 2:00 p.m. at the City's Hap Simpson Park. It is the "North Carolina Rivers Exploration" a documentary of 32 NC and SC rivers by Explorer Julian Monroe Fisher and his team. The French Broad River will be the first river topic in the documentary series.

Mayor Pro Tem Morrow announced he heard the annual Brevard Cares was a big success.

Ms. Hollingsworth shared she recently attended a presentation on electric vehicles that was quite interesting, learned some of the environmental issues, that grants may be available to the City for placement of a charging station, and believes it is a subject Council should hear more about. She also shared that tomorrow she, along with Chamber representatives, will be speaking with our Legislator on the sales tax issues.

Motion: Ms. Hollingsworth moved, seconded by Mr. Jones, Council grant Mr. Hardy's request to have a Special Presentation on the subject of electric car charging stations at their May 18th meeting. Motion carried unanimously.

Mr. Fatland thanked Council for their confidence in him as Interim City Manager and that he looks forward to helping the City move forward, and he thanked City employees for their hard work.

Mr. Fatland called upon Chief Harris to share about the 4th Annual Brevard Cares event. Chief Harris explained the event was held on the last day of "National Volunteer Week" and this year there were about 100 volunteers who came out to help with a variety of community cleanup and service projects, including 25 Brevard High School Honor Society students who came and participated in the service projects. Work was done at the Bailey Cemetery, cleanup on the Taylor property that the City is in the process of purchasing, along with seven residents who needed help with tasks that they cannot do themselves was done, including some repair work on a home performed by some Church members, was accomplished.

Mr. Fatland introduced his wife, Linda, who was seated in the audience, to the Council members.

Mr. Pratt shared when Mr. Cornelius Hunt served on Council, that occasionally he would be serving as substitute attorney for Council, and that he considered Mr. Hunt to be a dear friend and one who was a help to him. It was a very good thing to remember him and to honor him in the way done here tonight.

Mr. Pratt advised Council that a Motion to dismiss certain actions has been made by Attorney Scott McClatchy, including a Motion to dismiss the law suit against every individually named law enforcement officer, on the Kitchen vs City of Brevard law suit. Recommendation will go to the District Court and the plaintiff has opportunity to file a Motion. The City of Brevard, Transylvania County and Sheriff Mahoney and four unnamed defendants remain in the suit. No action from Council is requested. Offered this as information and an update.

Mr. Pratt reminded all that April 22nd is Earth Day and to remember its importance. He then announced Council needs to hold four Closed Sessions tonight. Two for property acquisition, one for pending litigation, and one to discuss personnel.

O. Closed Session(s) – Pursuant to GS 143-318.11 (a) (3) (5) and (6) it is appropriate to convene a closed session on two matters of potential litigation, a pending litigation and a personnel matter. A closed session requires a separate motion, second and vote to discuss each matter.

Closed Session #1 - At 8:34 p.m. Mr. Landreth moved, seconded by Mr. Jones, that Council go into Closed Session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Interim Manager and Finance Director, City Clerk, and Planning Director. (A break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 8:56 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #2 - At 8:56 p.m. Mr. Jones moved, seconded by Ms. Hollingsworth, that Council go into a second Closed Session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Interim Manager and Finance Director, City Clerk and Planning Director.

Council Returned to Regular Session – At 9:01 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #3 – At 9:01 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into a third Closed Session to discuss a pending litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Interim Manager and Finance Director, City Clerk and Planning Director.

Department of Transportation, Plaintiff

V.

West Main Development, LLC; The City of Brevard;
and TD Bank, National Association, Defendants

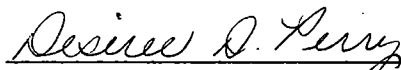
Council Returned to Regular Session – At 9:20 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

At 9:20 p.m. Council dismissed the City Clerk to hold a fourth closed session to discuss a personnel matter. City Attorney will provide Minutes of the closed session, and will provide to the Clerk the record of Council's return to regular session and actions taken (if any) and adjournment.

P. Adjourn – There being no further business, Mr. Jones moved, seconded by Mr. Landreth, the meeting be adjourned. Motion carried and the meeting was adjourned at 9:40 p.m.



Mac Morrow
Mayor Pro Tem



Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: May 18, 2015